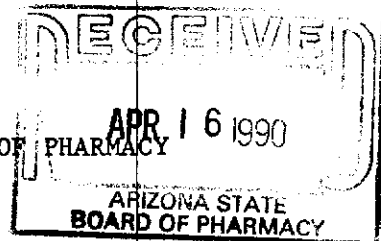


FILE:H
90-05-H5

BEFORE THE ARIZONA STATE BOARD OF PHARMACY



In the Matter of:)
FRANKLIN JULE HORWITZ)
Holder of Certificate of)
Registration Number 8795)
for the Practice of Pharmacy)
in the State of Arizona.)

No. 90 - 05 - H

CONSENT TO ENTRY OF
ORDER

DIRECTED TO: FRANKLIN JULE HORWITZ
7819 Churchill
Morton Grove, IL 60053

The Arizona State Board of Pharmacy has received information alleging that FRANKLIN JULE HORWITZ, holder of Certificate of Registration No. 8795 for the practice of pharmacy in the State of Arizona, has violated ARS § 32-1927(A) (12), in that FRANKLIN JULE HORWITZ has entered into a Consent Order in the State of Illinois in the Matter of 89-47 dated the 10th day of February, 1989 for such conduct that if committed in this State would be grounds for revocation or suspension of the Certificate of Registration 8795 in that FRANKLIN JULE HORWITZ failed to maintain the proper records of Class III and Class IV Controlled Substances as required by CFR § 1304.03, 1304.04 and A.R.S. § 32-2523.

FRANKLIN JULE HORWITZ has expressed a desire to execute a Consent Entry of Order ("consent") pursuant to A.R.S. § 41-1061 (D) in lieu of participating in a hearing concerning the allegations that failed to maintain proper records of Controlled Substances.

THEREFORE, in lieu of further proceedings and as a final disposition of this matter:

1. FRANKLIN JULE HORWITZ admits that the findings of fact and conclusions of law set forth in the consent are true and accurate.

1 2. FRANKLIN JULE HORWITZ admits that the conduct describe in the consent is
2 conduct constituting grounds for disciplinary action as provided for in ARS §
3 32-1927.A.12.

4 3. FRANKLIN JULE HORWITZ acknowledges that the record prepared in this
5 matter, all investigative materials prepared and received by the Board
6 concerning the allegations, and all related exhibits and materials also may be
7 retained in the Board's file pertaining to this matter.

8 4. FRANKLIN JULE HORWITZ understands that pursuant to A.R.S. § 32-1928 he
9 has a right to a public hearing hearing concerning each allegation that he has
10 violated, A.R.S. § 32-1901, et seq, FRANKLIN JULE HORWITZ acknowledges that at
11 this formal hearing he could present evidence and cross examine witnesses.
12 FRANKLIN JULE HORWITZ waives his right to such a hearing.

13 5. FRANKLIN JULE HORWITZ waives any right to rehearing or review or
14 judicial review of the findings of fact and conclusions of law or order.

15 6. FRANKLIN JULE HORWITZ acknowledges that in view of the findings of fact
16 and conclusions of law contained in this consent, and pursuant to A.R.S. 32 §
17 1927(A)(12), the Board is authorized to take formal disciplinary action against
18 his license to practice pharmacy.

19 7. FRANKLIN JULE HORWITZ understands that he has the right to consult with
20 an attorney prior to entering into this consent to entry of an order, and
21 affirmatively waives such right.

22 8. FRANKLIN JULE HORWITZ acknowledges that the admissions contained in this
23 consent are conclusive evidence of conduct constituting grounds for disciplinary
24 action and may be used for purposes to determine sactions in any future
25 disciplinary matter.

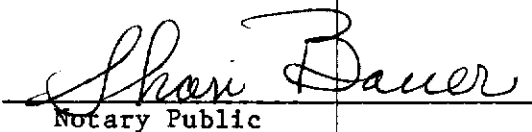
1 9. FRANKLIN JULE HORWITZ acknowledges that this consent will be effective
2 only upon its acceptance by the Board.

3 DATED this 12 day of April, 1990.

4
5 
6 FRANKLIN JULE HORWITZ

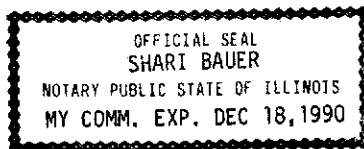
7 STATE OF ARIZONA)
8)
9 County of Maricopa)

10 SUBSCRIBED AND SWORN to before me this 12th day of April, 1990, by
11 FRANKLIN JULE HORWITZ.

12 
13 Notary Public

14 My Commission Expires:

15
16 Dec 18, 1990



FILE:H
90-05-H01

BEFORE THE ARIZONA STATE BOARD OF PHARMACY

In the Matter of:)
FRANKLIN JULE HORWITZ)
Holder of Certificate of)
Registration Number 8795)
for the Practice of Pharmacy)
in the State of Arizona.)

No. 90 - 05 - H

BOARD ORDER

DIRECTED TO: FRANKLIN JULE HORWITZ
7819 Churchill
Morton Grove, IL 60053

Pursuant to the foregoing Consent to Entry of Order, the evidence presented before the Board, the Board's records and file in this matter, and for good cause appearing, the Board on this day of , 1990 enters the following Order.

FINDINGS OF FACT

I

1. FRANKLIN JULE HORWITZ is the holder of Certificate of Registration Number 8795 issued by the Arizona State Board of Pharmacy which permits the holder to practice pharmacy in the State of Arizona.

2. That on or about the 10th day of February, 1989, FRANKLIN JULE HORWITZ did enter into a Consent Order in the State of Illinois in the Matter of 89-47 for such conduct that if committed in this State would be grounds for revocation, suspension, probation, censure or fine of the Certificate of Registration Number 8795 in that FRANKLIN JULE HORWITZ failed to maintain proper records of Controlled Substances in violation of CFR § 1304.03, 1304.04, and ARS § 2523.

3. The State of Illinois suspended the pharmacist license 051-023619 issued to FRANKLIN JULE HORWITZ through January 28, 1989 and further placed

1 said license on probation until December 31, 1990.

2 CONCLUSIONS OF LAW

3 II

4 1. The Board concludes that it has jurisdiction in this Matter pursuant to
5 A.R.S. § 32-1927.

6 2. The Board concludes that FRANKLIN JULE HORWITZ failed to maintain proper
7 proper records of Class III and Class IV Controlled Substances in violation of
8 CFR § 1304.03, 1304.04 and A.R.S. § 2523.

9 3. The Board concludes that the pharmacist license issued to FRANKLIN
10 JULE HORWITZ in the State of Illinois is presently on probation and will
11 continue so until December 31, 1990.

12 4. The Board further concludes that FRANKLIN JULE HORWITZ is in violation
13 of A.R.S. § 32-1927(A)(12).

14 ORDER

15 III

16 The Certificate of Registration 8795 issued to FRANKLIN JULE HORWITZ
17 is placed on probation until December 31, 1992 with the following terms:

18 1. Respondent shall obey all the terms and conditions of the Consent Order
19 in the State of Illinois.

20 2. Respondent shall obey all laws and rules governing the practice of
21 pharmacy.

22 3. Respondent shall pay all fees and complete all C.E. requirements to
23 maintain Certificate of Registration 8795 in the State of Arizona.

24 4. Respondent shall appear before the Arizona State Board of Pharmacy
25 after December 31, 1990 to show cause why the probation imposed on Certificate
26 Registration 8795 should be removed. -2-

1 5. If the Respondent violates this Order in any way or fails to fullfill
2 the requirements of this Order, the Board, after giving Respondent Notice and
3 the opportunity to be hear, may revoke, suspend or take other disciplinary
4 action against the Respondent.

5 DATED this 2 ndday of May , 1990.

7 ARIZONA STATE BOARD OF PHARMACY

10 By *L. A. Lloyd*
11 Llyn A. Lloyd
 Executive Director

12 Copy of the foregoing Findings of
13 Fact, Conclusions of Law and Board
14 Order mailed by Certified Mail this
 day of , 1990 to:

15 FRANKLIN JULES HORWITZ
16 7819 Churchill
 Morton Grove, IL 60053

17 and by Courier Mail to:

18 Paula Bickett
19 Assistant Attorney General
20 1275 West Washington
 Phoenix, AZ 85007
 Attorney for the State

21 and

22 Bridget Harrington
23 Assistant Attorney General
24 1275 W. Washington
 Phoenix, AZ 85007
 Solicitor General's Office



ARIZONA STATE BOARD OF PHARMACY

5060 NORTH 19TH AVENUE SUITE 101
PHOENIX ARIZONA 85015
602 255 5125

May 4, 1990

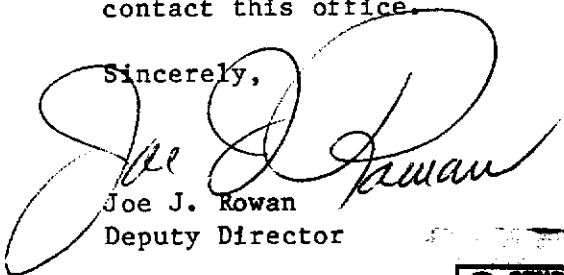
Franklin Jule Horwitz
7819 Churchill
Morton Grove, IL 60053

Dear Mr. Horwitz,

Enclosed copy of signed Consent Agreement and Board Order. As outlined previously, this differs only from your Illinois agreement in that you are requested to appear before the Arizona Board sometime after December 31, 1990 and prior to December 31, 1992 for the purpose of removing the probation sanction.

If you have any questions or if I might be of further service, please contact this office.

Sincerely,


Joe J. Rowan
Deputy Director

P 143 568 352

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL
(See Reverse)

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested. 1. <input type="checkbox"/> Show to whom delivered, date, and addressee's address. (Extra charge) 2. <input type="checkbox"/> Restricted Delivery (Extra charge)	
3. Article Addressed to: FRANKLIN JULE HORWITZ 7819 CHURCHILL MORTON GROVE, IL 60053	4. Article Number P143568352 Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise
5. Signature - Addressee X	Always obtain signature of addressee or agent and DATE DELIVERED.
6. Signature - Agent X	8. Addressee's Address (ONLY if requested and fee paid) Morton Grove, IL
7. Date of Delivery 5-8-90	